

House Bill 958 (AS PASSED HOUSE AND SENATE)

By: Representatives Day of the 163<sup>rd</sup>, Stephens of the 161<sup>st</sup>, Gordon of the 162<sup>nd</sup>, Bryant of the 160<sup>th</sup>, and Stephens of the 164<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 52 of the Official Code of Georgia Annotated, relating to the  
2 Georgia Ports Authority, so as to change certain provisions for the applicability of traffic  
3 laws and enforcement by security guards who are essential to Georgia's homeland security  
4 and who are employed with the Georgia Ports Authority; to change the designation of  
5 security guard to peace officer; to require that those employees of the authority who are  
6 authorized to exercise the powers of arrest shall be certified peace officers subject to the  
7 Georgia Peace Officer Standards and Training Council; to provide for related matters; to  
8 provide for an effective date and applicability; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2 of Title 52 of the Official Code of Georgia Annotated, relating to the Georgia Ports  
13 Authority, is amended by revising Code Section 52-2-10, relating to the applicability of  
14 traffic laws and enforcement by security guards employed with the Georgia Ports Authority,  
15 as follows:

16 "52-2-10.

17 (a)(1) The motor vehicle traffic laws for this state shall apply to all roads within the  
18 jurisdiction of the Georgia Ports Authority; provided, however, that the authority may  
19 determine and declare reasonable, safe, and lawful speed limits on all roads within its  
20 jurisdiction.

21 (2) Those regular employees of the Georgia Ports Authority designated as ~~security~~  
22 ~~guards~~ peace officers shall have the power to arrest for traffic offenses committed on any  
23 property under the jurisdiction of the Georgia Ports Authority.

24 (3) Such arrest may be effected by issuance of a citation, provided the offense is  
25 committed in the presence of the arresting ~~security guard~~ peace officer.

(4) A citation issued by a ~~security guard~~ peace officer shall enumerate the specific charges against the offender and the date on which the offender is to appear and answer the charges.

(5) If the offender fails to appear as specified in the citation, the judge having jurisdiction of the offense may issue a warrant ordering the apprehension of such person and commanding that he or she be brought before the court to answer the charges contained in the citation and the charge of his or her failure to appear as required. The person shall be allowed to make a reasonable bond to appear on a given date before the court.

(6) Peace officers ~~Security guards~~ shall be subject to Chapter 13 of Title 40, relating to uniform traffic citation and complaint forms.

(b) Peace officers ~~Security guards~~ of the Georgia Ports Authority may arrest for violations of dock related city ordinances where applicable.

(c) All powers of arrest granted in this Code section shall exist only on property under the jurisdiction of the Georgia Ports Authority or while in hot pursuit of one whom the ~~security guard~~ peace officer observed commit an offense within the jurisdiction of the authority as provided in subsections (a) and (b) of this Code section.

(d) All offenders apprehended for offenses committed within the jurisdiction of the Georgia Ports Authority shall be tried by the appropriate city, county, or state tribunal.

(e) All peace officers ~~Regular employees~~ of the Georgia Ports Authority ~~designated as security guards~~ shall ~~not~~ be subject to the requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' ~~nor shall said guards be subject to Chapter 38 of Title 43, the 'Georgia Private Detective and Security Agencies Act.'~~

(f) While in the performance of their duties, ~~those regular employees~~ peace officers of the Georgia Ports Authority ~~designated as investigators or Georgia certified peace officers~~ shall have the same powers of arrest and the same powers to enforce law and order as the sheriff of the county and the chief of police of the county or municipality in this state wherein any such ~~investigator or Georgia certified~~ peace officer is performing his or her duty. While in the performance of their duties, any such ~~investigators or Georgia certified~~ peace officers shall be authorized to exercise such powers and duties as are authorized by law for members of the Uniform Division of the Department of Public Safety. Such ~~investigators or Georgia certified~~ peace officers shall be subject to the requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' and are specifically required to complete the training required for peace officers by that chapter.

(g) While in the performance of their duties, ~~those regular employees~~ peace officers of the Georgia Ports Authority ~~designated as investigators or certified peace officers of the State of Georgia~~ shall have the right to issue citations to vehicles parked in areas not specifically designated for the parking of vehicles while on the properties of the Georgia Ports

63 Authority's terminals. The issuance of any such parking citation shall require the person  
64 who parked said vehicle to respond by the payment of a fine in the amount of \$25.00 or by  
65 appearing in the court which handles misdemeanor traffic offenses for the county in which  
66 the terminal is located, in which event the amount of the fine shall be fixed at the discretion  
67 of the judge of said court, but in no event shall the fine exceed \$25.00. In addition to the  
68 right to issue parking citations, ~~those regular employees~~ peace officers of the Georgia Ports  
69 Authority ~~designated as investigators or certified peace officers of the State of Georgia~~  
70 shall have the right to remove improperly parked cars or vehicles in accordance with the  
71 provisions of Code Section 44-1-13."

## 72 SECTION 2.

73 This Act shall become effective upon its approval by the Governor or upon its becoming law  
74 without such approval; provided that this Act shall not apply to persons hired by the Georgia  
75 Ports Authority for security purposes on March 18, 1991, or August 8, 1997. The provisions  
76 of Code Section 52-2-10 of the Official Code of Georgia Annotated in effect at the time that  
77 this Act is adopted shall continue to apply to such persons.

## 78 SECTION 3.

79 All laws and parts of laws in conflict with this Act are repealed.